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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,400	03/31/2004	Benjamin N. Eldridge	P71C2-US	7966
50905 7590 04/04/2007 N. KENNETH BURRASTON KIRTON & MCCONKIE P.O. BOX 45120 SALT LAKE CITY, UT 84145-0120			EXAMINER KARLSEN, ERNEST F	
			ART UNIT	PAPER NUMBER
			2829	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/815,400	Applicant(s) ELDRIDGE ET AL.	
	Examiner Ernest F. Karlsen	Art Unit 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-49, 52-55 and 60-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-49, 52-55 and 60-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 47-49, 52-55 and 60-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the structural result would be for the semiconductor die that is tested by any of the claims. No structural features are disclosed in the specification and no structural features are presented by the claims. What structural effects would result from the process steps of claims 60-67 is not clear. How such would lead to a functional change is not clear. The limitations of claims 47-49 and 53-55 seem to be yet further away from having any influence on a functional change. What influence does the material composition of the blade have on the structure produced. No description of what the structure would look like for any of the claims is presented in the disclosure. The use of the word "sharpened" is questioned. If one sharpens an axe one would normally use a grind stone. Is a grind stone use to form the "blade" used to form the present product?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 47-49, 52-55 and 60-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Littlebury et al '438. With regard to claims 47-49, 52-55 and 60-70, Littlebury et al '438 show a probe having a blade 17 that is forced into a terminal 27 of a semiconductor die 26. The blade will inherently deflect across the terminal in a motion

Art Unit: 2829

that is approximately parallel to the axis corresponding to the length of the blade. The blade 17 will inherently cut into terminal 27. The blade 17 is inherently sharpened in that it is smaller than part 16. With regard to claims 52 and 67, blade 17 is disposed on element 13 and is sharpened. With regard to claim 47, blade 17 is integrally formed with elements 13, 14 and 16. With regard to claims 49 and 54, element 13 of Littlebury et al '438 is resilient and can be an alloy as set forth at column 3, lines 25-28 of Littlebury et al '438. Everything is resilient to some degree. Claims 47-49 and 53-55 are not considered further limiting.

Applicants argue, in their response of March 21, 2007, that their device has blades that cut through oxide and that Littlebury et al '438's device has pads that break through oxide. At the heart of this argument is the question of what is a "blade" and what meant by "sharp". Applicants example of an aircraft carrier and a dry dock is considered, by the Examiner, analogous to the characterization of block 17 on block 16 of Littlebury et al '438's as being sharp. If one looks at a razor blade under a high power microscope it will not look very sharp. There no such thing as absolutely "sharp". Even an edge one atom wide has some width and is not absolutely "sharp". Block 17 of Littlebury et al '438 is considered a "blade".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

Art Unit: 2829

except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 47-49, 52-55 and 60-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Farnworth et al '894. With regard to claims 47-49, 52-55 and 60-67, Farnworth et al show in Figure 2, a sheet 41 that can be resilient (see column 7, lines 14-53) bearing contact members 43 that can be of the type shown by Figure 4D. When pressed on by a pad of die 21 contact member 43 will inherently deflect along an arcuate path into the resilient material 41. Elements 26 D in Figure 4D are disclosed at column 8, lines 24 to 64 as blades adapted to penetrate into the bondpads 27. At least two of the blades 26D of Farnworth et al '894 will deflect across a terminal along an axis that is substantially parallel to the length of the blade. Note Figure 4F also. The process will produce the semiconductor device claimed. Claims 47-49 and 53-55 are not considered further limiting.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 47-49, 52-55 and 60-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Higgins. With regard to claims 47-49, 52-55 and 60-67, Higgins shows in Figures 4 and 6 a cantilever probe composed of needles 310 bearing tips 312 which are

Art Unit: 2829

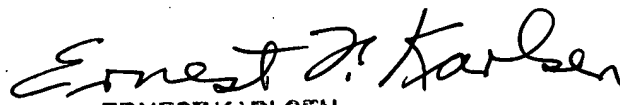
considered to be "blades". When a tip comes in contact with a die pad the cantilever structure will inherently cause the tip 312 to trace an arcuate path. Such process will inherently produce the semiconductor device claimed. Claims 47-49 and 53-55 are not considered further limiting.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farnworth et al '428 and Akram et al '436 are cited to show additional "blade" contact devices.

Any inquiry concerning this communication should be directed to Ernest F. Karlsen at telephone number 571-272-1961.

Ernest F. Karlsen

March 30, 2007


ERNEST KARLSEN
PRIMARY EXAMINER